

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

**PLAINTIFFS**  
TWIN CITY IRON WORKERS PENSION FUND and TWIN CITY IRON WORKERS HEALTH & WELFARE FUND, on behalf of itself and all others similarly situated

**DEFENDANTS**  
See Attachment A

**ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)**  
Brian Murray, GLANCY PRONGAY & MURRAY LLP  
122 E. 42nd Street, Suite 2920, New York, NY 10168  
Telephone: (212) 682-5340

**ATTORNEYS (IF KNOWN)**

**CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)**  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

antitrust and commodities claims under § 1 of the Sherman Act; §§ 4 and 16 of the Clayton Act; and § 22 of the Commodity Exchange Act

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No ☐ Yes ☒ Judge Previously Assigned **Judge Paul G. Gardephe**

If yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☒ Yes ☐ If yes, give date \_\_\_\_\_ & Case No. **1:15-cv-05794-PGG**

**IS THIS AN INTERNATIONAL ARBITRATION CASE?**

No ☒ Yes ☐

(PLACE AN [x] IN ONE BOX ONLY)

**NATURE OF SUIT**

**TORTS**

**ACTIONS UNDER STATUTES**

**CONTRACT**

- ☐ 110 INSURANCE
- ☐ 120 MARINE
- ☐ 130 MILLER ACT
- ☐ 140 NEGOTIABLE INSTRUMENT
- ☐ 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT
- ☐ 151 MEDICARE ACT
- ☐ 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS)
- ☐ 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS
- ☐ 160 STOCKHOLDERS SUITS
- ☐ 190 OTHER CONTRACT
- ☐ 195 CONTRACT PRODUCT LIABILITY
- ☐ 196 FRANCHISE

**PERSONAL INJURY**

- ☐ 310 AIRPLANE
- ☐ 315 AIRPLANE PRODUCT LIABILITY
- ☐ 320 ASSAULT, LIBEL & SLANDER
- ☐ 330 FEDERAL EMPLOYERS' LIABILITY
- ☐ 340 MARINE
- ☐ 345 MARINE PRODUCT LIABILITY
- ☐ 350 MOTOR VEHICLE
- ☐ 355 MOTOR VEHICLE PRODUCT LIABILITY
- ☐ 360 OTHER PERSONAL INJURY
- ☐ 362 PERSONAL INJURY - MED MALPRACTICE

**ACTIONS UNDER STATUTES**

**CIVIL RIGHTS**

- ☐ 440 OTHER CIVIL RIGHTS (Non-Prisoner)
- ☐ 441 VOTING
- ☐ 442 EMPLOYMENT
- ☐ 443 HOUSING/ ACCOMMODATIONS
- ☐ 445 AMERICANS WITH DISABILITIES - EMPLOYMENT
- ☐ 446 AMERICANS WITH DISABILITIES - OTHER
- ☐ 448 EDUCATION

**PERSONAL INJURY**

- ☐ 367 HEALTHCARE/ PHARMACEUTICAL PERSONAL INJURY/PRODUCT LIABILITY
- ☐ 365 PERSONAL INJURY PRODUCT LIABILITY
- ☐ 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY

**PERSONAL PROPERTY**

- ☐ 370 OTHER FRAUD
- ☐ 371 TRUTH IN LENDING

- ☐ 380 OTHER PERSONAL PROPERTY DAMAGE
- ☐ 385 PROPERTY DAMAGE PRODUCT LIABILITY

**PRISONER PETITIONS**

- ☐ 463 ALIEN DETAINEE
- ☐ 510 MOTIONS TO VACATE SENTENCE
- ☐ 530 HABEAS CORPUS
- ☐ 535 DEATH PENALTY
- ☐ 540 MANDAMUS & OTHER

**PRISONER CIVIL RIGHTS**

- ☐ 550 CIVIL RIGHTS
- ☐ 555 PRISON CONDITION
- ☐ 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT

**FORFEITURE/PENALTY**

- ☐ 625 DRUG RELATED SEIZURE OF PROPERTY
- ☐ 21 USC 881
- ☐ 690 OTHER

**LABOR**

- ☐ 710 FAIR LABOR STANDARDS ACT
- ☐ 720 LABOR/MGMT RELATIONS
- ☐ 740 RAILWAY LABOR ACT
- ☐ 751 FAMILY MEDICAL LEAVE ACT (FMLA)
- ☐ 790 OTHER LABOR LITIGATION
- ☐ 791 EMPL RET INC SECURITY ACT (ERISA)

**IMMIGRATION**

- ☐ 462 NATURALIZATION APPLICATION
- ☐ 465 OTHER IMMIGRATION ACTIONS

**BANKRUPTCY**

- ☐ 422 APPEAL
- ☐ 28 USC 158
- ☐ 423 WITHDRAWAL
- ☐ 28 USC 157

**PROPERTY RIGHTS**

- ☐ 820 COPYRIGHTS
- ☐ 830 PATENT
- ☐ 840 TRADEMARK

**SOCIAL SECURITY**

- ☐ 861 HIA (1395ff)
- ☐ 862 BLACK LUNG (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID TITLE XVI
- ☐ 865 RSI (405(g))

**FEDERAL TAX SUITS**

- ☐ 870 TAXES (U.S. Plaintiff or Defendant)
- ☐ 871 IRS-THIRD PARTY
- ☐ 26 USC 7609

**OTHER STATUTES**

- ☐ 375 FALSE CLAIMS
- ☐ 400 STATE REAPPORTIONMENT
- ☒ 410 ANTITRUST
- ☐ 430 BANKS & BANKING
- ☐ 450 COMMERCE
- ☐ 460 DEPORTATION
- ☐ 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
- ☐ 480 CONSUMER CREDIT
- ☐ 490 CABLE/SATELLITE TV
- ☐ 850 SECURITIES/ COMMODITIES/ EXCHANGE
- ☐ 890 OTHER STATUTORY ACTIONS
- ☐ 891 AGRICULTURAL ACTS
- ☐ 893 ENVIRONMENTAL MATTERS
- ☐ 895 FREEDOM OF INFORMATION ACT
- ☐ 896 ARBITRATION
- ☐ 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OF APPEAL OF AGENCY DECISION
- ☐ 950 CONSTITUTIONALITY OF STATE STATUTES

Check if demanded in complaint:

☒ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? IF SO, STATE:

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_ JUDGE **Paul G. Gardephe** DOCKET NUMBER **1:15-cv-05794**

Check YES only if demanded in complaint

JURY DEMAND: ☒ YES ☐ NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32)

(PLACE AN *x* IN ONE BOX ONLY)

## ORIGIN

- ☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from (Specify District)
 ☐ 6 Multidistrict Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ a. all parties represented  
☐ b. At least one party is pro se.

(PLACE AN *x* IN ONE BOX ONLY)

## BASIS OF JURISDICTION

- ☐ 1 U.S. PLAINTIFF
 ☐ 2 U.S. DEFENDANT
 ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY)
 ☐ 4 DIVERSITY

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

## CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [ ] 1	DEF [ ] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF [ ] 3	DEF [ ] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF [ ] 5	DEF [ ] 5
CITIZEN OF ANOTHER STATE	[ ] 2	[ ] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ] 4	[ ] 4	FOREIGN NATION	[ ] 6	[ ] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

TWIN CITY IRON WORKERS PENSION FUND and TWIN CITY IRON WORKERS HEALTH & WELFARE FUND  
 3001 Metro Drive, Suite 500  
 Bloomington, Minnesota 55425  
 (Hennepin County)

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

See Attachment B

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN  
 (DO NOT check either box if this a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE 12/16/2015 SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

[ ] NO

[x] YES (DATE ADMITTED Mo. 11 Yr. 1991)

Attorney Bar Code # BM 9954

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

Attachment A

Defendants

- 1) BANK OF NOVA SCOTIA, NEW YORK AGENCY
- 2) BMO CAPITAL MARKETS CORP.
- 3) BNP PARIBAS SECURITIES CORP.
- 4) BARCLAYS CAPITAL INC.
- 5) CANTOR FITZGERALD & CO.
- 6) CIBC WORLD MARKETS CORP.
- 7) CITIGROUP GLOBAL MARKETS INC.
- 8) COMMERZ MARKETS LLC
- 9) COUNTRYWIDE SECURITIES CORPORATION
- 10) CREDIT SUISSE SECURITIES (USA) LLC
- 11) DAIWA CAPITAL MARKETS AMERICA INC.
- 12) DEUTSCHE BANK SECURITIES INC.
- 13) GOLDMAN, SACHS & CO.
- 14) HSBC SECURITIES (USA) INC.
- 15) JEFFERIES LLC
- 16) J.P. MORGAN SECURITIES LLC
- 17) MERRILL LYNCH, PIERCE, FENNER & SMITH INCORPORATED
- 18) MIZUHO SECURITIES USA INC.
- 19) MORGAN STANLEY & CO. LLC
- 20) NOMURA SECURITIES INTERNATIONAL, INC.
- 21) RBC CAPITAL MARKETS, LLC
- 22) RBS SECURITIES INC.
- 23) SG AMERICAS SECURITIES, LLC
- 24) TD SECURITIES (USA) LLC
- 25) UBS SECURITIES LLC

Attachment B

Defendants' Addresses and Counties

- 1) BANK OF NOVA SCOTIA, NEW YORK AGENCY  
250 Vesey Street  
New York, NY 10080  
(New York County)
- 2) BMO CAPITAL MARKETS CORP.  
3 Times Square, 28th Floor  
New York, NY 10036  
(New York County)
- 3) BNP PARIBAS SECURITIES CORP.  
787 Seventh Avenue  
New York, NY 10019  
(New York County)
- 4) BARCLAYS CAPITAL INC.  
745 Seventh Avenue  
New York, NY 10019  
(New York County)
- 5) CANTOR FITZGERALD & CO.  
499 Park Avenue  
New York, NY 10022  
(New York County)
- 6) CIBC WORLD MARKETS CORP.  
425 Lexington Avenue, 3rd Floor  
New York, NY 10017  
(New York County)
- 7) CITIGROUP GLOBAL MARKETS INC.  
390-388 Greenwich Street  
New York, NY 10013  
(New York County)
- 8) COMMERZ MARKETS LLC  
2 World Financial Center - Sandy Hook # 31  
New York, NY 10281  
(New York County)

Attachment B (continued)

- 9) COUNTRYWIDE SECURITIES CORPORATION  
4500 Park Granada  
Calabasas, California 91302  
(Los Angeles County)
- 10) CREDIT SUISSE SECURITIES (USA) LLC  
11 Madison Avenue, 24th Floor  
New York, NY 10010  
(New York County)
- 11) DAIWA CAPITAL MARKETS AMERICA INC.  
Financial Square, 32 Old Slip  
New York, NY 10005  
(New York County)
- 12) DEUTSCHE BANK SECURITIES INC.  
60 Wall Street, 4th Floor  
New York, NY 10005  
(New York County)
- 13) GOLDMAN, SACHS & CO.  
200 West Street, 29th Floor  
New York, NY 10282  
(New York County)
- 14) HSBC SECURITIES (USA) INC.  
452 Fifth Avenue  
New York, NY 10018  
(New York County)
- 15) JEFFERIES LLC  
520 Madison Avenue, 10th Floor  
New York, NY 10022  
(New York County)
- 16) J.P. MORGAN SECURITIES LLC  
277 Park Avenue  
New York, NY 10172  
(New York County)
- 17) MERRILL LYNCH, PIERCE, FENNER & SMITH INCORPORATED  
One Bryant Park  
New York, NY 10036  
(New York County)

Attachment B (continued)

- 18) MIZUHO SECURITIES USA INC.  
320 Park Avenue, 12th Floor  
New York, NY 10022  
(New York County)
- 19) MORGAN STANLEY & CO. LLC  
1585 Broadway  
New York, NY 10036  
(New York County)
- 20) NOMURA SECURITIES INTERNATIONAL, INC.  
309 West 49th Street  
Worldwide Plaza  
New York, NY 10019  
(New York County)
- 21) RBC CAPITAL MARKETS, LLC  
3 World Financial Center  
200 Vesey Street, 8th Floor  
New York, NY 10281  
(New York County)
- 22) RBS SECURITIES INC.  
600 Washington Boulevard  
Stamford, Connecticut 06901  
(Fairfield County)
- 23) SG AMERICAS SECURITIES, LLC  
1221 Avenue of the Americas, 6th Floor  
New York, NY 10020  
(New York County)
- 24) TD SECURITIES (USA) LLC  
31 West 52nd Street  
New York, NY 10019  
(New York County)
- 25) UBS SECURITIES LLC  
677 Washington Boulevard  
Stamford, Connecticut 06901  
(Fairfield County)